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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION MDL Docket No. 06-1791 VRW This Document Solely Relates To: *Al-Haramain Islamic Foundation, Inc., et al. v. Bush, et al.* (07-CV-109-VRW)	)	**NOTICE OF STIPULATION REGARDING ACCEPTANCE OF SERVICE AND RESPONSE DEADLINE FOR DEFENDANT ROBERT S. MUELLER, III IN HIS INDIVIDUAL CAPACITY**

Pursuant to Local Rule 6-1(a), the Plaintiffs and Defendant Robert S. Mueller, III, in his individual capacity, hereby notify the Court of their agreement and stipulation that the Department of Justice agrees to accept personal service of Plaintiff's Amended Complaint on Defendant Mueller, and that Defendant Mueller's response to the Amended Complaint will not be due until after there is a determination that Plaintiffs have standing to proceed in this action.

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RECITALS

1. On July 2, 2008, this Court entered a Memorandum Order (Dkt. No. 453) which authorizes Plaintiffs to amend their complaint and serve the amended complaint on the Defendants in their individual capacity.

2. On July 29, 2008, Plaintiffs filed an Amended Complaint in this action (Dkt. No. 458).

3. Plaintiffs have informed the Department of Justice that they are pursuing individual capacity claims only against Defendant Mueller.

4. The undersigned Department of Justice trial attorney has been designated to represent Defendant Mueller in his individual capacity in this proceeding, and has agreed to accept personal service of Plaintiffs' Amended Complaint on Defendant Mueller.

5. Service of process on Defendant Mueller in his individual capacity was accomplished on July 30, 2008.

6. Counsel for Plaintiffs and undersigned counsel for Defendant Mueller, along with counsel for the official capacity Defendants, have conferred regarding the appropriate time for Defendant Mueller, in his individual capacity, to respond to the amended complaint. Counsel for all the parties agree that a response from Defendant Mueller should not be due until the issues identified in the Court's Memorandum Order, including the issue of standing, are resolved.

STIPULATION

The Plaintiffs and Defendant Mueller, in his individual capacity, through their undersigned counsel, hereby stipulate to the following:

1. The undersigned Department of Justice Trial Attorney will accept personal service of Plaintiff's Amended Complaint on Defendant Mueller.
2. A response from Defendant Mueller to the Amended Complaint will not be due until the issues identified in the Court's Memorandum Order (Dkt. No. 453), including the issue of standing, are resolved.
3. After the issues identified in the Court's Memorandum Order are resolved,

counsel for the Plaintiffs and Defendant Mueller will confer, if necessary, regarding a date certain for Defendant Mueller to file a response to the Amended Complaint and will inform the Court of the agreed-upon date.

4. Defendant Mueller will not be required to file a response to the Amended Complaint within 60 days from the date of personal service, as normally required under Fed. R. Civ. P. 12(a)(3).

5. Defendant Mueller expressly reserves all defenses available to him in his individual capacity, and no filing submitted by the Defendants in their official capacity will cause Defendant Mueller to waive any individual-capacity defense available to him.

DATED: July 31, 2008

Respectfully submitted,

GREGORY G. KATSAS
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TIMOTHY P. GARREN
Director, Torts Branch

MARY H. MASON
Senior Trial Counsel

s/ J. Marcus Meeks
J. MARCUS MEEKS
Trial Attorney
United States Department of Justice
Civil Division, Torts Branch
Counsel for Defendant Robert S. Mueller, III in his individual capacity

s/ Steven Goldberg
STEVEN GOLDBERG
Counsel for Plaintiffs

DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, J. Marcus Meeks, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed in the document's signature block.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on July 31, 2008, in the City of Washington, District of Columbia.

s/ J. Marcus Meeks
J. MARCUS MEEKS
Trial Attorney
United States Department of Justice